

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMES NEELY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:07CV995 CEJ
)	
CITY OF FERGUSON,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for default judgment. Plaintiff alleges that defendant has failed to timely make its Rule 26 disclosures, and he argues that the Court should therefore sanction defendant under Rule 37 by granting judgment in his favor.


The motion lacks merit. First, it contains no statement that plaintiff has conferred in good faith with defendant to resolve the issue. Fed. R. Civ. P. 37(a)(2)(A); E.D. Mo. L.R. 3.04. Second, the motion is premature because plaintiff has not filed a motion to compel pursuant to Rule 37(a). Consequently, the motion shall be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for default judgment [#22]

is **DENIED**.

Dated this 14th day of August, 2007.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE